

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE INDIANA)
UTILITY REGULATORY COMMISSION'S)
INVESTIGATION OF MATTERS RELATED)
TO THE BUSINESS PRACTICES OF)
METRO TELECONNECT, INC. AND SURE-)
TEL, INC., IN THE STATE OF INDIANA)
PURSUANT TO INDIANA CODE §§ 8-1-2-1(A))
8-1-2-58, 8-1-2-59, 8-1-2-68, 8-1-2-69, 8-1-2-83,)
ET SEQ.)

CAUSE NO. 42708

FILED

OCT 05 2004

METRO TELECONNECT CO., INC, AND)
SURE-TEL, INC., RESPONDENTS)

INDIANA UTILITY
REGULATORY COMMISSION

BY THE COMMISSION:

Judith G. Ripley, Commissioner

Lorraine Hitz-Bradley, Administrative Law Judge

You are hereby notified that on this date, the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

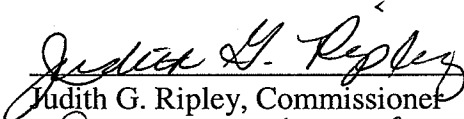
The Respondents should provide answers to the following requests, and provide the requested documents, on or before Friday, November 5, 2004.

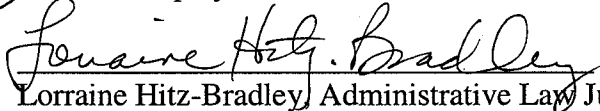
1. When did Metro Teleconnect Companies, Inc. (Metro) execute the asset purchase agreement with Sure-Tel? Please provide the date(s) and individuals who were involved in the transaction, and a copy of the Asset Purchase Agreement.
2. Did Metro perform regulatory due diligence (i.e., change of address, change of CTA, tariff modifications, etc.) in advance of the transaction with Sure-Tel? Please enumerate tasks performed in the due diligence and the date on which they were performed.
3. What precipitated Metro's transaction with Sure-Tel?

4. How many customers did Sure-Tel have in Indiana at the time of the Asset Purchase Agreement, and how was service provided to those customers (i.e. resale, UNEs or facilities based)?
5. Did the business entity known as Sure-Tel cease to exist for operational purposes after the FCC granted the Section 214 transfer of control?
6. Please outline the timing of customer and regulator notice of the acquisition. Include copies of all documents.
 - a. When and how was the FCC informed of the acquisition?
 - b. When and how was the IURC informed of the acquisition?
 - c. When and how were Sure-Tel's customers informed of the acquisition?
7. In the Asset Purchase Agreement, what price was set for the stock of Sure-Tel?
 - a. Was the price linked to the number of customers?
 - b. When was the transfer of power to take place?
 - c. Did the Agreement state when Metro would begin running Sure-Tel's operations?
8. When did Metro begin running the day-to-day operations of Sure-Tel?
9. Did Metro and Suretel have a separate contract or Management Agreement which outlined the process of Metro taking over the day to day operations of Suretel? If so, please produce a copy, with all underlying documentation related thereto.
10. Did Sure-Tel's customer billing systems reflect the change to Metro, or did customers continue paying Sure-Tel? Please provide a copy of customer bill.
11. How did Metro obtain the customer list of Sure-Tel's customers?
12. Metro sent a letter to Sure-Tel's customers listing its contact information for obtaining service from Metro one day before Metro notified the FCC that the transaction with Sure-Tel had been terminated. Explain how Metro was able to communicate with Sure-Tel's customers directly and then, 24 hours (or less) later indicate to the FCC that the transaction would not go through.
13. According to FCC records, Metro was granted a Section 214 Domestic Transfer of Control on April 8, 2004. Did Metro file anything with the respective state commissions (in this instance, the Indiana Commission) to have the local authority transferred? Please provide all documents used in notifying the FCC and/or the IURC.

14. Please provide the date, as well as all supporting materials and documentation, regarding when Metro learned that the transaction with Sure-Tel would not happen.
15. Please provide data on how many Sure-Tel customers in Indiana stayed with Metro and how many switched to other carriers.
16. Please provide all documentation regarding Metro's collection and use of Local Number Portability (LNP) charges to end user customers. Does Metro have an escrow type account to separate this revenue from other company operating revenue? Please explain.
17. How did Metro plan to serve Sure-Tel customers when Metro only had resale authority and Sure-Tel had both resale and UNE-P authority? Did Metro plan on separating the Sure-Tel UNE-P customers from the resale customers? Please explain in detail and provide supporting documentation regarding the customer migration process that Metro utilized.
18. Please provide all documentation regarding Metro's application, including any supporting materials, filed with the FCC regarding the Domestic Section 214 Application for Transfer of Control of Sure-Tel, Inc., to Metro Teleconnect Companies, Inc., WC Docket No. 04-41, DA 04-629 (rel. March 8, 2004).

IT IS SO ORDERED.


Judith G. Ripley, Commissioner


Lorraine Hitz-Bradley, Administrative Law Judge

Date: October 5, 2004